

LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM

*The Complete Separation of
the Church and the
State*

*The Emancipation of Religion
from the Dogmatism of
Modern Science*

GOVERNOR M'CALL ON FREEDOM OF SPEECH

You show that you believe in free speech, that you do not believe there is any argument in throwing a brick or in smashing windows. The world is not going ahead by such action. We must keep free and open forums of truth, where truth will be analyzed from all points of view.

A man can adopt the religion which he chooses, and no church or state has any right to interfere. There should always be separation of church and state. The basic principle of government cannot exist upon any such union.—*Governor M'Call of Massachusetts, in an address on Freedom of Speech, delivered to a Methodist Conference in Boston, April 10, 1916, following the Haverhill riot on the night of the fourth.*

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Washington, D. C.



Foes of a Free Press and Free Speech at Their Lawless Work
Pending Legislation Seeks to Legalize Such Tyranny

Every attempt to gag the free expression of thought is an unsocial act, a crime against society. . . . It is very hard for a robber to convince his victims that he is acting in their behalf and for their good. Is there no parallel between the gag of the burglar and the gag of the law? Why does the burglar use a gag? It is because he wants to get away with your goods, and he doesn't want you to make an outcry and call the neighbors. He knows that he cannot convince you by argument that he is entitled to the goods and that it is really to your best interest to pass them over to him. — *Jay Fox*. Quoted in "*Liberty and the Great Libertarians*," by Charles T. Sprading, pp. 534, 535. *The Golden Press*, Los Angeles, 1913.

LIBERTY

"Proclaim liberty throughout all the land unto all the inhabitants thereof." *Lev. 25 : 10.*

VOL. XI

SECOND QUARTER, 1916 — EXTRA

No. 4

Explanatory Note

THIS Extra on Free Press, Free Speech, Free Church, deals with a recent drastic press bill introduced into the House of Representatives by Hon. James A. Gallivan, of Boston, Mass. The measure, if enacted into law, would empower the Postmaster-General to shut out of the mails any publication which might attack any religion or any religious order to which any citizen of the United States might belong. It would establish a one-man censorship of the press, with unlimited possibilities for evil.

The Extra also deals with a very important religious bill, which aims to make "the proper observance" of Sunday compulsory in the District of Columbia. This religious measure was recently introduced in the Senate by Senator Jones of the State of Washington.

Prompt action is needed from the field in order to induce Congress to defer action upon these measures; and since the *LIBERTY* magazine for the third quarter of 1916 does not come from the press in time to meet the present emergency, we are issuing this Extra to meet the situation. Every lover of freedom should help to give this Extra as extensive a circulation as possible.

If these bills were to be enacted into law, they would destroy the freedom of

the press and of speech, and would commit Congress fully to the policy of religious legislation. The floodgates would be opened, and a deluge of restrictive religious measures would be certain to follow. The organizations which are supporting these bills, according to the petitions listed in the *Congressional Record*, are mostly religious. We cannot accept a governmental censorship of the press, nor any legal establishment of religion, without vigorous, determined, and most persistent protest.

Do not fail to read the Extra through from cover to cover. The information contained therein is invaluable, and the arguments unanswerable. Just now, before Congress adjourns, there is danger of due consideration not being given to certain bills during the rush of business in the closing days of this session. You are urged therefore to get at once all the signatures possible to the petitions which appear on the last two pages of the Extra, and forward to your Senators and Representatives in Congress the petition blanks, properly filled out. Do not delay a single day.

The price of this Extra is \$1 a hundred, or \$8 a thousand; single copies, 5 cents. Address Liberty Magazine, Takoma Park Station, Washington, D. C.

The United States as a nation is not a religious nation, it is not a Christian nation, it is not a Catholic nation, it is not a Protestant nation; it is a secular nation. With clear eye and deliberate purpose, it refused to have anything to do with the establishment of anybody's religion.—Rev. Minot J. Savage.

Abridging the Freedom of Speech and of the Press

L. L. CAVINESS

WE have fallen upon perilous times. The liberties guaranteed by the very First Amendment to the Constitution are being threatened as never before in the history of this country. There is great need of the propaganda for free speech and free press, for which this magazine has long been contending.

The Haverhill Riot

The last few years have produced many instances of interference with free speech. Of these, that which took place recently at Haverhill, Mass., is a most striking example. A lecturer, Thomas E. Leyden, had applied for the use of the city hall in order to discuss the question of the appropriation of public money for maintaining parochial schools. After the mayor of the city had refused his consent for this use of the hall, some of the members of the Ministerial Association of the town took up the matter and entered a protest. An appeal was taken to the city council. As a result the action of the mayor was overruled, and Mr. Leyden was granted the use of the hall.

The first lecture aroused considerable antagonism, and the meeting broke up in disorder; but the lecturer announced his intention to speak again on the same subject. On the night appointed for the second lecture, a mob of eight or ten thousand persons surrounded the city hall, and it was evident that the lecturer would be in danger of personal violence. When the police were unable to control the mob, the State militia responded to a call and promptly pushed the crowd

back at the point of the bayonet. During the struggle, the building was showered with stones, and many windows were broken. When the mob heard that Mr. Leyden had returned to his rooming-house, they went there with the purpose of wrecking the building. They were assured that he was not there. They then visited the house of one of the aldermen who favored the opening of the city hall to the lecturer, again throwing stones. They did the same at the home of a dentist who was a local supporter of the lecturer. Mr. Leyden meanwhile was under guard in the aldermen's room, in the city hall, until the police were able to get him away in safety.

A Directed Mob

A striking feature in the incident was the evidence of a strong directing, controlling spirit in the mob. Regarding this, Rev. J. Franklin Babb, in the *Boston Journal* of April 5, wrote:—

"The work of the mob was not that of a disunited body, each individual following the dictates of his own mind. For example, each of the four exits from the hall was guarded by a detail of men who obeyed the commands of a leader, with almost military precision. The gangs that marched up to the residential district here and hurled stones, bricks, and pieces of coal through the windows of the houses of myself and Mr. van der Pyl, as well as of Alderman Hoyt and Dr. Herbert E. Wales, were organized and under definite leaders.

"Furthermore, I know positively that a party of 150 members of the Lawrence Council of the Knights of Columbus came to this city last night and took a prominent part in the rioting."

Abraham Lincoln said that those who are at work throttling the inalienable rights of man under the pretense of curing a supposed evil, are "the vanguard, the miners, and sappers of returning despotism. We must repulse them, or they will subjugate us."—"Lincoln's Speeches."

Our liberty depends on the freedom of THE PRESS, and that cannot be limited without being lost.—Thomas Jefferson, 1786.

Catholics Composed the Mob

This riot was so serious that journals which generally make no comment on events of this sort, have dealt with the subject editorially. The *Independent* of April 17, 1916, recognized that it was a religious riot, and that the mob was composed of Roman Catholics. We quote a portion of the comment which appeared in that paper:—

"We think we are living in a better world now, when religious bigotry is vanishing away; and yet last week in Haverhill, Mass., on two successive nights an angry mob of many thousands attacked the city hall, smashed windows and doors, overpowered the police, injured and attempted to kill citizens and officers of the law, and so terrorized the city that the governor had to call on the militia for protection. And it was a religious riot. . . . It was the Catholics that composed the mob. Massachusetts cities are ruled by Catholics now; they have the population."

Climax of Religious Intolerance

The *Boston Journal* of April 6, in opening its columns for a discussion of the riot, said:—

"The Haverhill riot, no matter how disgraceful and needless, no matter how deserving of punishment and public execration are the perpetrators, is, however, less indecent than the secret, poisonous bitterness that occasioned it. If a Protestant bigot is denied the vent of free speech, that is bad; if he is silenced by a riotous mob of Catholic sympathizers, that is worse. But the worst of all—the real shame to our State—is the presence of such bitter religious intolerance as made possible so terrible a climax.

"Courageous public men, both Protestant and Catholic, must face this problem—they must do their patriotic utmost to define the issue and to settle it by frank, fair, open, sane, and temperate discussion; the question is more important than party politics, because it goes to the very inner fabric of our national life; to ignore it now, to smooth it over, to seek

to forget,—that is to place our community welfare in pawn to the future dangers of a deep-reaching religious feud."

A Legitimate Subject for Public Discussion

The week following the riot, addresses were given by leading clergymen concerning the principles involved. One of the most striking of these was by Rev. William H. van Allen, rector of the Church of the Advent. We quote from his address as printed in the *Boston Journal* of April 6:—

"This outrage in Haverhill, like those of similar cause, was a reaction into barbarism, disgracing our country, State, and age. The animating spirit was antagonism to free speech, which is an essential part of American democracy and American freedom. I do not need to be reminded that free speech is liable to abuse, but he who accepts the privilege of free speech must hold himself responsible for what he says.

"If he who speaks freely, slanders, libels or blasphemes, he can be punished. He who is abused is bound in honor to take his case into the courts, and there demand damages and redress.

"But to suppress free speech by mob terrorism is absolutely intolerable, and such cannot be accomplished by any race, cult, or sect without a revolution which will overturn the American Republic.

"The question of the attitude of the Roman Catholic hierarchy toward public schools is a matter for legitimate public discussion. The fact of that hostility is not to be questioned. The Roman Catholics have established parochial schools, and are to be admired for their courage. They have supported them with a generosity to be emulated. But many Roman Catholic leaders are demanding that the virtue of this sacrifice on their part be vitiated by having the State support the schools.

"I stand for an American spirit when I say that the governor of this commonwealth would be justified in using every soldier to line the streets to obtain for this man his rights. Lives of criminal rioters are not sacred as is the right of free speech.

Proscription has no part or lot in the modern government of the world. The stake, the gibbet, and the rack, thumbscrews, swords, and pillory, have no place among the machinery of civilization. Nature is diversified. So are human faculties, beliefs, and practices. Essential freedom is the right to differ, and that right must be sacredly respected.—John Clark Ridpath.

If all mankind, minus one, were of one opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing the world.—John Stuart Mill.

"I hope such an outrage will not occur again, and that the religious leaders of Massachusetts, both Catholic and Protestant, will unite in condemning mob spirit."

Freedom of Speech Gone

If this Haverhill riot were a solitary event, it would be most regrettable, but would have no very great significance. But it is not an isolated case. These outbursts have become alarmingly frequent; and they seem to spring from religious antagonism and prejudice so deeply seated that violence flares up in the face of fair Liberty. Where is our high-flung claim of freedom of speech? Why is an address opposing the appropriation of public money for sectarian use interrupted by mob violence, even if the church with which the rioters are connected be the beneficiary of such appropriations?

Freedom of the Press to be Abridged

Not only is the freedom of speech being circumscribed; the freedom of the press is also in danger. In a previous Extra of this magazine we have dealt with two bills proposing to give the Postmaster-General power which would greatly limit the freedom of the press. These bills are H. R. 491, introduced by Isaac Siegel, and H. R. 6468, by John J. Fitzgerald.

Siegel and Fitzgerald Bills

Both these bills have been dealt with in a previous Extra of this journal. The Siegel bill probably will not even be considered by the committee. It is unnecessary for us again to point out the fact that the Fitzgerald bill also makes the Postmaster-General a press censor, and clothes him with an arbitrary

authority which might easily be abused. To exclude a publication from the mails, which are a government monopoly, without any opportunity of appeal, is certainly un-American in principle. There are already adequate statutes under which sexually obscene literature may be excluded. Literature of no other character, even though it be thought by some to be "indecent, immoral, and scurrilous," can be excluded without due process of law; and the person accused of sending it must be convicted by a jury in a federal court before being punished. The Fitzgerald bill, however, denying the right of jury trial, would leave the decision as to the character of the literature to one man.

Gallivan Bill

Now another bill, the purpose of which is more open and plain, has been introduced by Mr. Gallivan. This is H. R. 13778, and reads as follows:—

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General shall make the necessary rules and regulations to exclude from the mails those publications the avowed and deliberate purpose of which is to attack a recognized religion held by the citizens of the United States or any religious order to which citizens of the United States belong."

Guaranties of the First Amendment

The First Amendment to the Constitution, which guarantees free exercise of religion, certainly would involve the right of adherence to any faith, or to propagate that faith by oral discussion or printed matter among those who may be willing to listen. If a man is not free to say why his religion is right and should

If our opinions cannot be supported by truth and righteousness, by kindness and meekness, by forbearance and rendering of good for evil, let us abandon them; for if they cannot be sustained by such means, they surely can be sustained by no other.
—Francis Wayland.

The true doctrine of Christian liberty is not our right to think for ourselves, but the right of the other man to think for himself. There is no danger now that our rights will not be insisted upon and enforced, particularly if our thinking happens to fall within that of the majority. It is the other man's liberty that is in danger, especially if he happens to be in the minority. It is his liberty that demands defense at all hazards; for if liberty is denied him, how long will it be conceded to us?—New York Examiner.

be accepted, and then in a proper way to state the reasons why other systems of faith are wrong, he is certainly hindered in the free exercise of his religion.

What is a Recognized Religion?

The Gallivan bill proposes "to exclude from the mails those publications the avowed and deliberate purpose of which is to attack a recognized religion held by the citizens of the United States or any religious order to which citizens of the United States belong." Pray, how shall we identify a recognized religion? This would be easily done in a state having a state church, but what is a recognized religion in a country where church and state are professedly separate? What government official would be qualified to say what religions were recognized.

Many Freak Isms

In these days there are springing up so many freak isms which claim to be religious that the Postmaster-General would need to establish a bureau of religions to examine and grant recognition to those isms which were religious. But how could a religion be recognized by a government official without violating that principle of the Constitution, embodied in the First Amendment, against the establishment of religion in this country?

Bills Would Prove a Plague

It seems unlikely that any church would be willing to give bond to say or publish nothing that could be understood as an attack against any other church or religion. There is scarcely a church paper which would not be thrown out of

the mails if this bill should become law and be strictly enforced.

Though Roman Catholics have advocated the passage of a press censorship bill, yet some of their number recognize that such a law might prove a plague to them. We quote from the *Continent* of March 15, 1916, which credits the editor of the *Catholic Citizen* with the following statement:—

"The prosecution of the *Menace*, instituted by federal officials (doubtless stimulated to action by Catholic complaints), has failed; just as the Fitzgerald and Gallivan bills [of last year], shutting the *Menace* out of the mails, failed to emerge from committee in Congress. We have been strongly of the opinion that these schemes of legislation are unwise; that if enacted into laws, they would remain to plague after the present acute nuisance or provocative cause had long ceased to exist."

Need for Action

Let every true American, recognizing the critical time in which we are living, be firm in his determination that the provisions of the Constitution against the abridgment of the freedom of speech and of the press shall be maintained at all hazards. Let us not weakly surrender the liberties for which our fathers fought and died. Every patriot should inform his Congressman that, notwithstanding the threat made by the Catholic press that should he fail to vote for these bills he would lose the Roman Catholic vote, the great body of American citizens are still loyal to the principles of the Constitution, and demand that their representatives in Congress uphold the fundamental principles of liberty.

The American Constitution, in harmony with the people of the several States, withheld from the federal government the power to invade the home of reason, the citadel of conscience, the sanctuary of the soul; and not from indifference, but that the infinite Spirit of eternal truth might move in its freedom and purity and power.—George Bancroft.

Shall Congress Enact Religious Laws?

BY THE EDITOR

THUS far Congress has refused to enact compulsory religious laws. There is not a single Sunday law of that character upon the federal statute books today. More than one hundred and forty Sunday bills have been introduced into Congress during the last thirty-five years, but Congress has persistently refused to enact into law these compulsory Sunday-observance bills on the ground that they are religious and sectarian in character. The Sunday issue is a debatable question among religious sects, and Congress has consistently refused to assume the attitude of settling a religious controversy by civil enactment of a compulsory nature.

Notwithstanding this persistent refusal on the part of Congress to enact Sunday laws for the territory over which the national government has jurisdiction, religious organizations have not failed for a number of years to get some member to introduce one or more drastic Sunday bills into each Congress. Four compulsory Sunday measures have been introduced during the present session, two in the Senate, and two in the House. Three of these bills were introduced ostensibly for labor organizations, but really instigated and sustained by church organizations. The last one introduced in the Senate is, with a few modifications, the long-looked-for church measure promised by its promoters some months ago. These bills are known as S. 645, S. 5677, H. R. 652, and H. R. 111.

The latest Sunday bill was withheld

until April 20, when Senator Jones of Washington State, introduced bill S. 5677, the text of which is as follows:—

"A BILL

"For the proper observance of Sunday as a day of rest in the District of Columbia.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this Act it shall be unlawful in the District of Columbia for any person to labor or to employ any person to labor or to pursue any trade or worldly business on the first day of the week, commonly called Sunday, except in works of necessity or charity, and except also newspaper publishers and their employees, and except also public-service corporations and their employees in the necessary supplying of service to the people of the District, and also except those persons who are accustomed to observe regularly some other day of the week on which they refrain from doing what is herein prohibited on Sunday. In works of necessity or charity is included whatever is needed for the good order and health of the community. It shall be unlawful for any person, partnership, firm, corporation, or municipality, or any of their agents, directors, or officers, to require or permit any employees to work on the said day, excepting in household service, unless within the next succeeding six days during a period of twenty-four consecutive hours he or it shall neither require nor permit such employee to work in his or its employ.

"Any person who shall violate the provisions of this Act shall on conviction thereof be punished by a fine of not less than \$10 nor more than \$50 for the first offense, and for each subsequent offense by a fine of not less than \$25 nor more than \$100, and by imprisonment in the jail of the District of Columbia for a period of not less than one month nor more than three months, in the discretion of the court.

"SECTION 2. That all prosecutions for violations of this Act shall be in the police court of the District of Columbia and in the name of the District of Columbia."

When Christianity asks the aid of government beyond mere impartial protection, it disowns itself. Its essential interests lie beyond the reach and range of human governments. United with government, religion never rises above the merest superstition; united with religion, government never rises above the merest despotism; and all history shows us that the more widely and completely they are separated, the better it is for both.—Judge Welch of the supreme court of the State of Ohio (23 Ohio Reports, Granger, pp. 249, 250).

No man has the right to set himself up as the moral standard of all the community, or of any part of the community except himself. As to the use of the Sabbath day, every man, so far as personal acts that do not include any acts of lawlessness are concerned, should be the guardian of his own morals.—Senator Heyburn, in speech against District Sunday bill, "Congressional Record," May 26, 1911.

Some may think that this bill is not a religious measure, but a careful examination of its terms and requirements will reveal its unmistakably religious character.

A Purely Religious Institution

In the first place, Sunday has been recognized as a religious institution ever since Constantine promulgated the first Sunday law, in 321 A. D. For more than fifteen hundred years the lawmaking bodies and the courts of Europe denominated and regarded all Sunday laws as religious, enacted in behalf of the churches, to add force to the church rituals requiring "attendance at divine service on Sunday."

Chief Justice Clark of the supreme court of North Carolina, in an adverse decision on compulsory Sunday statutes, made the following pertinent comments:—

"The first Sunday law, the edict of the emperor Constantine, was the product of that pagan conception, developed by the Romans, which made religion a part of the state. The day was to be venerated as a religious duty owed to the god of the sun. . . . In the New Testament we shall look in vain for any requirement to observe Sunday. . . . The Old Testament commanded the observance of the Sabbath, . . . and it designated Saturday, not Sunday, as the day of rest. Sunday was first adopted by Christians in lieu of Saturday long

years after Christ, in commemoration of the resurrection. . . . As late as the year 409 two rescripts of the emperors Honorius and Theodosius indicate that Christians then still generally observed the Sabbath (Saturday, not Sunday). The curious may find these set out in full in 'Codex Justin,' lib. 1, tit. 9, cx. 13. Not till near the end of the ninth century was Sunday substituted by law for Saturday as the day of rest by a decree of the emperor Leo."—*North Carolina Reports, Vol. CXXXIV, p. 508.*

Reasons for Religious Controversy

This statement from the learned judge sets forth historical and legal facts, and gives Scriptural and historical reasons why a part of the Protestant church as well as the Hebrews still observe Saturday as the Sabbath instead of Sunday. These claim that no man nor set of men on earth has any right to ask the civil government to enact a law the effect of which will virtually be to decide which day is the Sabbath of Jehovah. No government ought to enact laws to compel men to observe church rituals and religious institutions. Such things do not fall within the sphere of civil government. Nor has a government which has separated religion from its civil enactments and guaranteed civil and religious liberty to each individual citizen under constitutional provision, any right to compel any man to observe even the religious

Those who drew the plan of our national government built the system upon the principle that religion and civil government were to be kept entirely distinct; and, for the most part, all the State governments are constructed upon the same theory. . . . Such is the great American principle in respect to the sphere of civil government.—Samuel T. Spear, D. D.

There is not a precept in the New Testament to compel by civil law any man who is not a Christian, to pay any regard to the Lord's day, any more than to any other day. Therefore to compel a man who is not a Christian to pay any regard to the Lord's day, more than to any other day, is without the authority of the Christian religion.

The gospel commands no duty which can be performed without faith in God. "Whatever is not of faith is sin."

But to compel men destitute of faith, to observe any Christian institution, such as the Lord's day, is commanding a duty to be performed without faith in God.

Therefore to command unbelievers, or natural men, to observe in any sense the Lord's day is antievangelical, or contrary to the gospel.—Alexander Campbell's "Memoirs," Vol. I, p. 528.

I have due regard for the observance of the Sabbath, and I believe it should be observed, but I do not believe in legislation compelling one to do it.—Senator Heyburn, in speech against District Sunday bill, "Congressional Record," May 26, 1911.

institutions of his own choice. Such an act on the part of the government is a perversion of the divine plan. God wants each individual to serve him from choice and with a free will instead of being forced to do so. Head service or hand service that does not enlist the heart is mere hypocrisy in religious matters.

What is "Proper Observance of Sunday"?

Who is to define and determine what constitutes "the proper observance of Sunday"? Whose standard are we to accept as to "proper observance"? There are almost as many opinions on this question as there are individuals who have minds of their own. Shall we accept the Puritan's idea of "proper observance"? If so, then all nonchurchgoers ought to be fined for nonattendance at divine service on Sunday. Men and boys ought to be punished for laughing and whistling aloud on Sunday. Husbands ought to be fined for kissing their wives on Sunday. Other things equally innocent in themselves should also be punishable. As defined in colonial times, "any sin committed with an high hand, as the gathering of sticks on the Sabbath day, may be punished with death, when a lesser punishment might serve for gathering sticks privily and in need." — *Records of Massachusetts Bay, Vol. II, p. 93.*

The Self-Righteous Pharisee's Conception

Or shall we accept the self-righteous Pharisee's notions of proper Sabbath observance? The Pharisees had enacted more than four hundred and fifty extra Sabbath regulations in Christ's time, and attached them to the one Sabbath commandment which God had given. The

Saviour ignored these Jewish regulations, which were against the spirit of the one divine commandment, and he told the Pharisees that "the Sabbath was made for man, and not man for the Sabbath." They tried to kill him because, on the Sabbath day, he healed a bedridden invalid and told him to take up his bed and walk. They condemned him for permitting his disciples to go through the cornfields on the Sabbath day, and to pluck the ears of corn and eat them when they were hungry. The Saviour reproved the Pharisees, and told them that they were straining out a gnat and swallowing a camel, and that they had made void the commandment of God through the precepts of men. The Pharisee's idea of Sabbath observance was that of sitting all day in an easy-chair and keeping absolutely quiet, without even twiddling the thumbs, for he who did that would be guilty of labor.

Modern Pharisee No Different

The modern Pharisee's conception of proper Sunday observance is no different from that of the ancient Pharisees concerning proper Sabbath observance. A committee of clergymen in 1794 framed the Sunday blue laws for Pennsylvania, and the legislature enacted their Puritanical notions into law. These drastic laws are still on the statute books, but fortunately they are not enforced. They forbid the purchase of a meal on Sunday, or travel on business or for pleasure. They impose a fine on a merchant for selling bread to the hungry, ice to cool the fevered brow of the sick, ice cream, soda, or mineral water to quench thirst.

Recently a court official of Linden, N. J., fined a poor aged woman five

Everybody should enjoy complete liberty, provided that liberty does not interfere with the liberty and civil rights of others. To force people to observe Sunday is not protection of civil rights; it is an interference with civil rights in obedience to religious sentiment.—Hon. G. Amyott, M. P., speech before Canadian Parliament, May 30, 1894.

I believe legislation to enforce Sunday observance is not only detrimental to the best interests of society, but is an improper and unwarranted interference with the great Protestant right of private judgment in all matters pertaining to religion.—Sir John S. Ewart, K. C.

dollars and costs because she carried to her home in an apron seven apples which the owner of a neighboring orchard had given her permission to take. "Even if she did not steal the apples," said the judge, "she ought not to have been carrying them on Sunday," and he promptly imposed the fine and costs. A few weeks before this incident happened, the same justice "fined John Sepp, an ice dealer, for giving away on Sunday ice that was needed for a sick baby." Remember that this travesty upon justice was committed by an American court in the year 1915, and was the logical outcome of the operation of a modern Sunday law which gave the court the authority to decide what constitutes proper Sunday observance.

An Exemption for Sabbatarians

No doubt the sponsors for the present bill (S. 5677) feel that they are very liberal in exempting Sabbatarians from the compulsory requirements to observe Sunday after they have observed some other day as holy time. Certainly their generosity should be appreciated, for some State Sunday laws make no such liberal provisions, and some States that have made these legislative exemptions for the Sabbatarians deny in practice the rights and immunities granted by these statutory provisions when Sabbatarians are on trial before the courts. These exemptions have been repealed and overridden repeatedly, and count for very little as a shield of protection and defense in actual practice. The same authority that assumes the right to grant these natural rights to others, reserves the right to withdraw them at its own will and

pleasure. Unquestionably, the motives and desires of the authors of these exemption clauses for Sabbatarians are good and sincere, but other men do not carry them out in practice, which we can verify by citing facts in various cases of which we have knowledge.

Our Reasons for Opposition

Those who are opposing Sunday legislation for reasons personal to themselves, might thank Senator Jones for making an attempt to safeguard their religious rights by exempting them from the compulsory obligations of his proposed Sunday law, on account of their observance of another day than Sunday. But we are opposed to compulsory Sunday legislation, on the broad and fundamental basis that Congress is prohibited by the First Amendment to the Constitution from making any law whatsoever which would interfere with the free exercise of religion. The fact that this bill attempts to exempt those who worship on another day than Sunday is conclusive evidence that this is religious legislation, because the exemption for the Sabbatarian is made for religious reasons. It attempts to establish a religious institution and to compel all citizens to observe it properly, and those whom it would exempt are compelled to observe the religious institution of their own creed, whereas such observance was before voluntary. Thus this bill makes Congress the custodian of all divergent religious sects, attempts to regulate their religious conduct, and seeks to force each to do what heretofore was done from choice. But citizens who make no profession of religion (which class are in the majority in the District

The position of coercion taken by so many of the Protestant clergy—the position that although they are admittedly in a hopeless minority of all the people of these United States, they would compel all the rest of us to accept of their Sunday dogmas by recourse to law and other methods—is a grievous departure from their old battle cry of civil and religious liberty.—Rev. Thomas F. Cashman (Catholic).

If they [Sunday laws] were not religious laws, they would not apply to Sunday only. They are religious laws because they aim to compel the religious observance of a particular day. If they were not religious laws,—if they were, in fact, such sanitary, social, and police regulations as the courts hold them to be,—they would not specify one day in the week as holy; they would prohibit seven days of work.—St. Louis Post-Dispatch, Dec. 17, 1907.

of Columbia as well as in the United States) are compelled by this measure to "properly" observe Sunday anyway, because this day is selected for them by Congress, if the bill is enacted into law. We emphatically protest against such encroachments upon the inalienable rights of man. We deny Congress the right to enforce the proper observance of any religious institution, even though it may have divine sanction.

Sunday Laws Manifestly Unconstitutional

Sunday laws interfere with civil and religious liberty, and place the different religious sects on an inequality before the law of the land. The "proper observance" of a religious institution is worship. Therefore, if Congress should ever give legal recognition to Sunday or any religious institution and compel the "proper observance" thereof, it would commit an unconstitutional act, in violation of the First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The plain and emphatic language of the Constitution limits the power of Congress—"Congress shall make no law." By right, it cannot make any law either to sanction or to prohibit any function of religion or religious practice in harmony with decency. The Supreme Court of the United States has interpreted the meaning of this amendment by declaring that Congress has power to protect the free exercise of religion by appropriate legis-

lation, but is powerless to regulate religion, to sanction it, or to abridge its freedom.

The proposed Sunday bill for the District of Columbia would regulate every man's religious conduct on Sunday, and the Sabbatarian's religious conduct for Saturday. We protest against this infringement on our God-given, inalienable rights to worship or not to worship, to rest or not to rest, in harmony with the dictates of conscience.

What Does "Worldly" Mean?

This new Sunday measure proposes to prohibit any and all persons from laboring or pursuing "any trade or worldly business on the first day of the week, commonly called Sunday." What is understood by "worldly business"? Upon what grounds can "worldly business," which is in itself decent and honorable, be prohibited on Sunday? We will let Chief Justice Lowrie of the supreme court of Pennsylvania answer these questions in an opinion involving the Sunday law of that State. In *Commonwealth vs. Nesbit*, 34 Pa., 403, 409, after referring to the earlier legislation in colonial Pennsylvania and to the English Act of 29 Charles II, chapter 7, after which the blue laws of Pennsylvania are modeled, as is also the Sunday bill now pending before Congress, Chief Justice Lowrie said, "Let us consider the statutory definition of what is forbidden. It is 'any worldly employment or business whatsoever.' What does this word 'worldly' mean?"

There is not complete religious liberty where any one sect is favored by the state and given an advantage by law over other sects. Whatever establishes a distinction against one class or sect is, to the extent to which the distinction operates unfavorably, a persecution, and, if based on religious grounds, a religious persecution. The extent of the discrimination is not material to the principle. It is enough that it creates an inequality of right or privilege.—Judge Thomas M. Cooley, in his "Constitutional Limitations," fifth edition, 1883, in a chapter on religious liberty.

The common meaning of this word "worldly" is that of temporal occupation or employment as opposed to those energies or occupations of men which relate to eternity. . . . It is a clumsy and impossible word to use in a criminal statute. As a matter of fact, all the occupations of men in this world are "worldly"—unless religious meditation or service be regarded as not "worldly."—Argument of Judge James G. Gordon, declaring the Pennsylvania Sunday law religious and unconstitutional, March 23, 1903.

Its correlatives hold us to its meaning. Very evidently 'worldly' is contrasted *with religious*, and all worldly employments are prohibited *for the sake of the religious ones*."—*Pennsylvania Superior Court Reports, Vol. XXV, p. 134.*

Purely Religious Reasons

"Worldly business" cannot possibly be prohibited on Sunday except for purely religious reasons. "Worldly business" is not penalized on the Fourth of July or on Washington's birthday, because they are civil holidays, and nothing that is in itself civil is made a misdemeanor if done on those days. Religion alone assumes the right to demand that "worldly employment or business" cease on the days set apart as holy time, but it cannot properly make such a demand through the civil government upon any citizen of the State. The claims of religious requirements are necessarily limited to the church and its recognized members, and no person should ever be coerced by the state to conform to any church creed, ritual, or institution.

A Perversion of Christian Principles

According to the listed petitions in the *Congressional Record*, church organizations are alone in favoring this compulsory Sunday observance bill. Their methods are the law of the State, the prison and fines, which are contrary to Christ's methods of working. The church is losing sight of her divine mis-

sion when she asks aid from the state to enforce her church institutions upon anybody, even upon her own members.

Civil laws and carnal weapons were never employed by Christ to advance his cause. What this sinning world needs is more of the love and gentleness of the Man of Calvary. Nothing but the power and love of God can transform human hearts. It is the changed heart, not the striped suit, which reforms the malefactor. It is in the secret closet of prayer, and not in the dungeon, that we conquer our enemies. It is spiritual regeneration, and not civic reformation, which transforms the evildoer. The Man of Galilee did not try to reform the government, but to convert the individual. The church should seek to lead the sinner to worship God in spirit and truth at the altar of love and mercy, and not attempt through the civil government to compel him to bow at the altar of force. As Christ's ambassadors, we should seek to banish darkness with light, error with truth, malice with kindness, asking no favors from civil authorities; and in so doing our cause will be certain of final triumph over every foe.

"OUR fathers' God, to thee,
Author of liberty,
To thee we sing.
Long may our land be bright
With freedom's holy light.
Protect us by thy might,
Great God, our King."

Suppose, instead of an overwhelming majority of Protestants holding certain views as to Sunday (which was the fact when the act of 1794 was passed), an equally preponderating majority of the Roman Catholic faith should exist in this commonwealth, and, in accordance with that majority, the representatives in the legislature should in prevailing numbers be of the same religious persuasion; and suppose such a legislature should pass a law forbidding the use of meats as food on Friday, out of deference to the religious views and sensibilities of the majority—how could such legislation be held to be invalid if the act of 1794 is sustained?—Argument of Judge James G. Gordon, in his decision declaring the Pennsylvania Sunday laws religious and unconstitutional, in Philadelphia, March 23, 1903.

Shackle Not the Press

Oh, shackle free speech never,
Nor make the press not free!
Time brings to us no better gift,
Nor can there better be.

Impose on us no censor,
One man must not decide;
But verdict of a jury
All men will glad abide.

To think, to speak, to publish,
No autocrat must bar:
To find untrammelled liberty
Our fathers came from far.

No Power but Persuasion

OUR Constitution recognizes no other power than that of persuasion, for enforcing religious observances. Let the professors of Christianity recommend their religion by deeds of benevolence, by Christian meekness, by lives of temperance and holiness. Let them combine their efforts to instruct the ignorant, to relieve the widow and the orphan, to promulgate to the world the gospel of their Saviour, recommending its precepts by their habitual example; government will find its legitimate object in protecting them. It cannot oppose them, and they will not need its aid. Their moral influence will then do infinitely more to advance the true interests of religion than any measure which they may call on Congress to enact. The petitioners [for the discontinuance of Sunday mails] do not complain of any infringement upon their own rights. They enjoy all that

Christians ought to ask at the hands of any government—protection from all molestation in the exercise of their religious sentiments.—*From report communicated to the United States Senate by the Hon. Richard M. Johnson, of Kentucky, chairman of the Committee on the Post Office and Post Roads, Jan. 19, 1829.*

Important Notice!

To All Lovers of Liberty



Please read carefully the "Petitions to Congress" on the opposite page and on the last page. Fill in the blank spaces, start the list with your own name, and secure as many other signatures as possible.

If there are not enough lines on these petition blanks for signatures, paste one or more sheets of white paper at the bottom, after cutting the petitions out of the magazine.

Send the petition applying to Bill S. 5677 to one of the Senators from your State; the other petition, against Bill H. R. 13778, should be sent to one of your Representatives in the House. In either case, the envelope should be addressed in care of the Capitol, Washington, D. C.

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